

**Carlos Hernández**  
Mayor

**Luis Gonzalez**  
Council President

**Katharine E. Cue-Fuente**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Isis Garcia-Martinez**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Agenda April 12, 2016 7:00 P.M.

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Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Councilman Caragol

### **Meeting Guidelines**

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- Mayor Hernandez proclaims the month of April a Fair Housing Month. (GRANTS & HUMAN SERVICES DEPT.)
- Mayor Hernandez proclaims the week of April 17<sup>th</sup> through April 23<sup>rd</sup>, 2016 as National Community Development Week. (GRANTS & HUMAN SERVICES DEPT.)

**1. Announcement of Amendments/Corrections to the Agenda –**

**2. Consent Agenda-**

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on March 22, 2016. (OFFICE OF THE CITY CLERK)
- B.** Request permission to increase purchase order # 2016-730, since it is advantageous to the City, issued to Rainbow Window Tinting, Inc. d/b/a Rainbow Emergency Equipment, for the purchase of emergency equipment and supplies for City vehicles, by an additional amount of \$50,000, for a new total cumulative amount not to exceed \$165,000. Hialeah Bid # 2011/12-3220-36-038-*Furnish and Install Emergency Vehicle Equipment* was awarded to this vendor by the City Council on March 27, 2012 for a period of three (3) years commencing on March 27, 2012 and ending on March 27, 2015 with the option to annually renew for two (2) consecutive years. (FLEET MAINTENANCE DEPT.)
- C.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-171, issued to Jorge Luis Leon Car Wash, Inc. for the services of washing City vehicles and trucks, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- D.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-921, issued to West Publishing Corporation, for expenditures of publication, subscriptions to legal periodicals and legal research services, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$35,000. (LAW DEPT.)
- E.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to P & J Striping Inc., vendor providing the lowest quotation, for the service of striping Palm Avenue to East 1 Avenue, from Hialeah Drive to East 9 Street, in a total cumulative amount not to exceed \$16,506.70. (STREETS DEPT.)
- F.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Eureka Farms LLC, vendor providing the lowest quotation, to purchase landscaping materials, in a total cumulative amount not to exceed \$60,000. (STREETS DEPT.)
- G.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute an agreement with Appriss, Inc. to provide for the City of Hialeah Police Department's participation in the Florida Integrated Report Exchange Systems (FIRES), in the form attached and made a part hereof as Exhibit "1". (POLICE DEPT.)
- H.** Request permission to utilize City of Bristol, Tennessee Bid # 15-30, since it is advantageous to the City, and issue a purchase order to FERNO-Washington, Inc., to purchase power assisted rescue cots to reduce firefighter injuries when transporting patients from emergency

scenes to rescue units, in a total cumulative amount not to exceed \$161,204.60, to be covered by the Firefighter Assistance Grant. (FIRE DEPT.)

- I. Request permission to utilize Western States Contracting Alliance Wireless Communication Services and Equipment Contract #1797349 between Palm Beach County and AT&T Mobility National Accounts LLC, since it is advantageous to the City, and issue a purchase order to AT&T Mobility LLC, for Net Motion Mobility XE Premium Software Maintenance through March 26, 2017, in a total cumulative amount not to exceed \$19,057.51. (INFORMATION TECHNOLOGY DEPT.)
- J. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Professional Services Agreement with Oneyda M. Paneque, Ed. D., as an evaluation consultant to assess and report on the effectiveness of after-school and summer programing funded through the 21<sup>ST</sup> Century Soaring Beyond Expectations Grant from the Florida Department of Education, for a term of one year, commencing on August 1, 2015 and ending on July 31, 2016, in an amount not to exceed \$7,489.00, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1". (EDUCATION & COMMUNITY SERVICES DEPT.)
- K. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Professional Services Agreement with Oneyda M. Paneque, Ed. D., as an evaluation consultant to assess and report on the effectiveness of after-school and summer programing funded through the 21<sup>ST</sup> Century Soaring Beyond Expectations Grant from the Florida Department of Education, for a term of one year, commencing on August 1, 2015 and ending on July 31, 2016, in an amount not to exceed \$9,763.00, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1". (EDUCATION & COMMUNITY SERVICES DEPT.)
3. Second reading and public hearing of proposed ordinance approving the Development Agreement by and among Alberto Micha, as Trustee of Hialeah Gardens Irrevocable Trust dated December 6, 2010, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1". **Property comprising approximately 77.25 acres within an area bounded on the west by NW 102 Avenue, on the north by theoretical NW 142 Street, on the east by NW 97 Avenue, and on the south by NW 138 Street / State Road 924; all located in Hialeah, Florida. Property having a land use classification of Mixed-Use Commercial and to be developed within the parameters of the Hialeah Heights - Commercial Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

<i>Item was not heard and postponed per the administration on March 8, 2016 until April 12, 2016.</i>
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<i>Item was approved by the City Council on first reading on January 12, 2016. Second reading and public hearing was scheduled for March 8, 2016.</i>
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<i>Item was postponed by the administration on December 8, 2015 due to notice requirements.</i>
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<i>Item was approved by the City Council on first reading on November 24, 2015.</i>
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<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>
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4. Second reading and public hearing of proposed ordinance approving the Development Agreement by and among Atlas Hialeah Heights, LLC, a Florida Limited Liability Company, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1". **Property comprising approximately 135.3 acres within an area bounded on the west by NW 97 Avenue, on the north by NW 170 Street, on the east by Interstate 75 / State Road 93, and on the south by theoretical NW 162 Street; all located in Hialeah, Florida. Property having a land use classification of Low-Medium Density Residential and to be developed within the parameters of the Residential Development District (RDD) Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

<i>Item was not heard and postponed per the administration on March 8, 2016 until April 12, 2016.</i>
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5. Proposed resolution rescinding Resolution No. 2016-31 (March 22, 2016) waiving competitive bidding for the collection of recyclable materials and disposal of residential solid waste; and providing for an effective date. (ADMINISTRATION)
6. Board Appointments –
- a. Re-appointment by Councilwoman Garcia-Martinez of Lisa Setrini Espinosa to the Cultural Affairs Council for a two year term commencing on November 16, 2015 and ending on November 16, 2017. (COUNCILWOMAN GARCIA-MARTINEZ)
  - b. Appointment by Councilwoman Garcia-Martinez of Juan Carlos Santana to the Veteran's Affairs Board for a two year term commencing on April 12, 2016 and ending on April 12, 2018. (COUNCILWOMAN GARCIA-MARTINEZ)

7. Unfinished Business –

8. New Business –

9. Comments and Questions –

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.**

**Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.**

### **ZONING**

- PZ 1.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to R-2 (One and Two Family Residential District) and granting a Variance Permit to allow a lot coverage of 47.6%, where a maximum of 30% is required, to allow a duplex on a substandard-sized lot with a frontage of 50 feet, where at least 75 feet are required, and to allow a total area of 6,750 square feet, more or less, where a total area of at least 7,500, is required, contra to Hialeah Code §§ 98-2056(b)(2) and 98-544. **Property located at 358 East 11 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant/Representative: Ceasar Mestre)

<i>Item was approved by the City Council on first reading on March 8, 2016. Second reading and public hearing was scheduled for April 12, 2016.</i>
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<i>Planner's Recommendation: Approval.</i>
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<i>Item was approved by the Planning and Zoning Board on February 24, 2016.</i>
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<i>Registered Lobbyist: Ceasar Mestre, 7600 West 20 Avenue, Suite 220.</i>
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- PZ 2.** Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a duplex with a total floor area of 1,380 square feet, where a minimum of 1,500 square feet are required, contra to Hialeah Code § 98-548. **Property located at 310 East 17 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant/Owner of the property: Angel Alberto Fiallo)

<i>Item was approved by the City Council on first reading on March 22, 2016.</i>
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<i>Item was approved by the Planning and Zoning Board on March 9, 2016.</i>
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<i>Planner's Recommendation: Approval with Conditions</i>
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- PZ 3.** First reading of proposed ordinance rezoning property from R-1 (One Family District) to P (Parking District). **Property located at 991 West 48 Street, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant/Owner of Property: Arena-Westland Shoppes, LLC)

<i>On March 8, 2016 the recommendation of denial by the Planning and Zoning Board was overridden by the City Council. First reading was scheduled for April 12, 2016.</i>
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*Item was postponed until March 8, 2016 by the City Council on February 23, 2016, per the request of the applicant's representative. Neighbors were present during the meeting, in opposition to the item's approval.*

*Item was postponed until February 23, 2016 by City Council on February 9, 2016 pursuant to the request of the applicant's representative.*

*Planner's Recommendation: Approval*

*Item was denied by the Planning and Zoning Board on January 27, 2016.*

*Registered Lobbyist: Mario Serralta, 14125 NW 80 Avenue, Suite 303, Miami Lakes, FL 33016*

*Registered Lobbyist: John Flynn, 14125 NW 80 Avenue, Miami Lakes, FL 33016*

*Registered Lobbyist: Melissa Tapanes Llahues, 200 S. Biscayne Boulevard, Suite 850, Miami, FL 33131*

*Registered Lobbyist: Ceasar Mestre, 7600 West 20 Avenue, #220, Hialeah, FL 33016*

- PZ 4.** Recommendation of denial by the Planning and Zoning Board for the rezoning from R-1 (One Family District) to R-3-3 (Multiple Family District) and consider granting a variance permit to allow a front yard setback of 11 feet for balconies and 15 feet for the building, where 25 feet are required; allow 43% of the net residential land to be covered with open parking areas, vehicular drives and accessory and service structures and devices, where a maximum of 40% is allowed, pursuant to Section 98-2056(b)(3) of the City Code. **Property located at 3500 West 9 Avenue, Hialeah, FL.** (Applicant/Representative: Hugo P. Arza on behalf of Hialeah 10.1 Acres, LLC and Les Chalet)

*Planner's Recommendation: Approval*

*Item is considered denied by the Planning and Zoning Board – March 23, 2016.*

*Registered Lobbyist: Hugo P. Arza, Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131*

*Registered Lobbyist: Juan J. Mayol, Jr., Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131*

*Registered Lobbyist: Alejandro J. Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131*

- PZ 5.** First reading of proposed ordinance granting a Variance Permit to waive a portion of the minimum standards set forth in section (d)(7) and (d)(8) of the City of Hialeah Landscape Manual, dated July 9, 2015, pursuant to Hialeah Code § 98-2233, on property zoned C-2 (Liberal Retail Commercial District). **Property located at 1995 West 49 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant/Owner of Property: Fortuna RXR LLC, Oscar Rodriguez, Manager)

<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on March 23, 2016.</i>

**NEXT CITY COUNCIL MEETING: Tuesday, April 26, 2016 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 24, 2016 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).